

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

NEAL HALEY AND SHERRY HALEY, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:09-CV-094-P-V

MERIAL LIMITED, MERIAL LLC, AND
MERIAL, INC.

DEFENDANTS

AGREED SCHEDULING ORDER

Following this Court's Ruling [Doc. 178] denying Plaintiffs' motion to terminate the deposition of Dr. Peter Rost, this Court set a deadline for the resumption of the deposition of Dr. Peter Rost [Doc. 180]. Thereafter, Plaintiffs appealed this Court's denial of their motion to terminate the deposition of Dr. Peter Rost. On February 7, 2011, this Court then entered an Agreed Order [Doc. 185] revising the deadlines depending upon which way the District Judge decided Plaintiffs' appeal.

On July, 26, 2011, the District Judge affirmed [Doc. 224] this Court's Ruling [Doc. 178]. Because of Dr. Rost's schedule, the resumption of his deposition cannot occur within the deadline set by this Court [Doc. 185]. The parties have now agreed upon a schedule that will accommodate the scheduling problems of Dr. Rost and will also provide specific dates for each of the deadlines set by earlier orders of this Court. The parties agree to the following schedule:

FIRST: On September 13, 2011, the deposition of Dr. Peter Rost will resume at 9:30 a.m. at the same location. Dr. Rost shall bring to the deposition all documents and materials required by the original subpoena as if it were for production on September 13, 2011.

SECOND: On or before September 23, 2011, Defense counsel shall file an affidavit of costs and reasonable expenses incurred in completing the deposition and responding to the Rule 26(c) motion for protective order and the rule 30(d) motion to terminate or limit the deposition of Dr. Peter Rost [Doc. 153].

THIRD: On or before September 28, 2011, Plaintiffs may file any response in opposition to Defense counsel's affidavits.

FOURTH: On or before October 4, 2011, Defendant will designate any class certification expert witnesses.

FIFTH: On or before November 4, 2011, the parties will complete any remaining class certification discovery.

SIXTH: On or before December 9, 2011, Plaintiffs will file their motion for class certification.

SEVENTH: On or before January 20, 2012, Defendant will file its response to Plaintiffs' motion for class certification.

EIGHTH: On or before February 3, 2012, Plaintiffs will file any reply to Defendant's response to Plaintiffs' motion for class certification.

NINTH: All other deadlines previously set in this case shall remain in full force and effect.

SO ORDERED AND ADJUDGED this the 9th day of August, 2011.


UNITED STATES MAGISTRATE JUDGE

AGREED AS TO FORM:



ARCHIE GRUBB
Counsel for Plaintiffs



LEE DAVIS THAMES
Counsel for Defendants

Jackson 6726540v1